

State of Vermont  
Department of Public Service  
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August 21, 2015

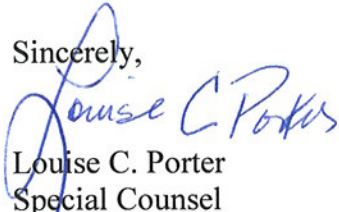
Mrs. Susan M. Hudson, Clerk  
Vermont Public Service Board  
112 State Street  
Montpelier, Vermont 05620

Re: Docket 7970 –Addison Expansion-Second Remand

Dear Mrs. Hudson:

Attached for filing in the above-referenced matter are an original and seven copies of the Department's Comments on AARP's Motion to Reopen the Evidentiary Record. Please let me know if you have any questions.

Sincerely,



Louise C. Porter  
Special Counsel

cc: Service List



**STATE OF VERMONT  
PUBLIC SERVICE BOARD**

Docket No. 7970

Petition of Vermont Gas Systems, Inc. for a certificate of public good, pursuant to 30 V.S.A. § 248, authorizing the construction of the “Addison Natural Gas Project” consisting of approximately 43 miles of new natural gas transmission pipeline in Chittenden and Addison Counties, approximately 5 miles of new distribution mainlines in Addison County, together with three new gate stations in Williston, New Haven and Middlebury, Vermont (On Remand Two)

**COMMENTS OF THE DEPARTMENT OF PUBLIC SERVICE ON AARP’S  
MOTION TO REOPEN THE EVIDENTIARY RECORD**

On August 3, 2015, AARP submitted a Motion to Reopen the Evidentiary Record (the “AARP Motion”) to introduce complaints filed by Vermont Gas Systems, Inc. (“VGS” or “Vermont Gas”) against Over and Under Piping Contractors, Inc., in Chittenden Superior Court on July 16, 2015, and by Over and Under against VGS in U.S. District Court on July 21, 2015, and a press release issued by VGS on July 24, 2015, announcing it had selected a mainline construction contractor. On August 5, 2015, the Board solicited comments on the AARP Motion and set a deadline of August 21, 2015, for the filing of any such comments.

The Department has no objection to the AARP Motion. As noted by AARP, the trial court has broad discretion to permit further evidence to be offered after the close of evidence but prior to the entry of final judgement.<sup>1</sup> Furthermore, the Vermont Administrative Procedure Act provides for the liberal admission of evidence in contested cases: evidence not otherwise admissible may be admitted if it is of a type commonly relied upon by reasonably prudent men in

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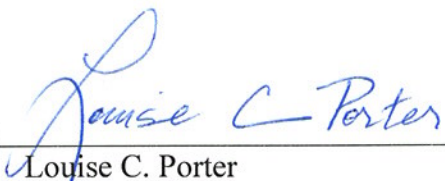
<sup>1</sup> In re Bjerke Zoning Permit Denial, 195 Vt. 586, 93 A.3<sup>rd</sup> 82 (2014).

the conduct of their affairs.<sup>2</sup> The Department does not object to the Board admitting these documents into the evidentiary record and according them the weight they are due.

The Department concurs with the assertion of Conservation Law Foundation in its comments submitted on August 13, 2015, that the requested admission will not result in any delay to the Petitioner or the Project. This is a matter of concern to the Department given the construction schedule and its impact on the capital cost estimate. Given that hearings have been concluded and briefs and reply briefs filed, the admission of the evidence as requested should cause no such delay and resulting prejudice.

Dated at Montpelier, Vermont, this 21<sup>st</sup> day of August 2015.

VERMONT DEPARTMENT OF PUBLIC SERVICE

By:   
\_\_\_\_\_  
Louise C. Porter  
Special Counsel

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<sup>2</sup> 3 V.S. A. §810 (1)

PSB Docket Nos. 7970 - SERVICE LIST

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